REMARKS

Reconsideration and allowance of the above-referenced application are respectfully requested. Claims 1-17 are pending in the application.

Allowable Claims 12-17

The Applicants thank the Examiner for the indication that claims 12-17 are allowed and claims 2-11 recited allowable subject matter.

Claim 1 over Alleyne in view of Adusumilli

Claim 1 stands rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,724,779 to Alleyne in view of U.S. Patent No. 6,701,405 to Adusumilli. The Applicants respectfully traverse the rejection.

Claim 1 specifies prioritizing switching of a data frame by an integrated network switch to an output port according to a user-defined policy and based on a user-selected attribute of the data frame.

Hence, a user is able to select prioritization of data frames based on, e.g., identification of any one of a prescribed network switch port receiving a data packet, a prescribed source address within the data packet, a prescribed destination address within the data packet, and/or identification of the data packet as belonging to a prescribed data flow.

The Examiner acknowledges that Alleyne fails to disclose priority switching based on user defined policy/selected attributes (Office Action, page 3). The Examiner relies on Adusumilli to allegedly make up for the deficiencies in Alleyne to arrive at the claimed invention. The Applicants respectfully disagree.

The Examiner alleges Adusumilli is within an analogous art and cites the Abstract; col. 2, line 61-col. 3, line 4; col. 8, line 48-col. 10, line 35; and col. 12, lines 8-21 (Office Action, page 3) to allegedly disclose the acknowledged deficiencies in Alleyne.

Adusumilli's Abstract describes a handshaking protocol for handling direct memory addressing (DMA) transfers within a computer. Col. 2, line 61-col. 3, line 4 describes the type of bus architecture to be used within a computer. Col. 8, line 48-col.

10, line 35 describes handling the priorities of DMA requires <u>within</u> a computer. Col. 12, lines 8-21 describes a summary of the inventive DMA system disclosed to be used <u>within</u> a computer.

Thus, Adusumilli is entirely directed toward routing data **within** a computer system, having nothing to do <u>switching</u> of a data frame within a <u>network,</u> much less <u>prioritizing switching</u> of a data frame by an <u>integrated network switch</u> to an output port according to a <u>user-defined policy</u> and based on a <u>user-selected attribute of the data frame</u>.

Assuming one skilled in the art combined Alleyne and Adusumilli the resulting hypothetical combination would at best result in an ATM switching system transferring data between computers (Alleyne). Once the data reaches a computer, user defined priorities are used to dictate the transfer of data <u>within the computer</u> (Adusumilli). Thus, the hypothetical combination fails to disclose or suggest prioritizing switching in an <u>integrated network switch</u> according to a <u>user-defined policy</u> and based on a <u>user-selected attribute of the data frame</u>.

Finally, the Examiner alleges that it would have been obvious at the time of the invention to modify Alleyne with the disclosure of Adusumilli to arrive at the claimed invention. "Teachings of references can be combined <u>only</u> if there is <u>some suggestion</u> or incentive to do so." <u>In re Fine</u>, 5 USPQ2d 1596,1600 (Fed. Cir. 1988) (quoting <u>ACS Hosp. Sys. v. Montefiore Hosp.</u>, 221 USPQ 929, 933 (Fed. Cir. 1984)) (emphasis in original). Alleyne is directed toward switching of ATM cells, i.e., within a network <u>connecting computers.</u> Adusumilli is directed toward directed data to different components <u>within a computer.</u> Alleyne and Adusumilli are directed toward completely different problems within completely different arts. Neither Alleyne nor Adusumilli provide any suggestion to apply the teachings of Adusumilli to Alleyne.

Accordingly, for at least all the above reasons, claim 1 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-0687, under Order No. 95-311, and please credit any excess fees to such deposit account.

Respectfully submitted,

MANELLI DENISON & SELTER PLLC

Leon R. Turkevich
Reg. No.: 34,035
Tel. (202) 261-1020
Fax. (202) 887-0336

Customer No. 20736
2000 M Street, N.W. 7th Floor
Washington D.C. 20036-3307
(202) 261-1000
Facsimile (202) 887-0336
Date: August 2, 2004

Amendment filed August 2, 2004
Appln. No. 09/576,021
Page 4